THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GEN ADS, LLC., a Washington limited liability company; CARTMELL HOLDINGS, LLC, a Washington limited liability company; and HILLSTROM EQUITIES, LLC, a Minnesota limited liability company, Plaintiff, vs. ANDREW BREITBART, an individual; SUSANNAH BEAN BREITBART, an individual; the BREITBART marital community, a California marital community comprised of ANDREW AND SUSANNAH BEAN BREITBART; BREITBART.COM, LLC, a California limited liability company; and BREITBART HOLDINGS, INC. (f/k/a BREITBART.COM, INC.), a California corporation, Defendants.	CASE NO. 2:06-CV-00137 **DECLARATION OF ANDREW BREITBART IN SUPPORT OF MOTION TO DISMISS**

I, Andrew Breitbart, hereby declare:

1. I have personal knowledge of the facts stated herein, and if called upon as a witness, I could and would testify competently thereto. I submit this declaration in support of the attached Motion to Dismiss for Lack of Personal jurisdiction.

LAW OFFICES
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2. I am a shareholder of Breitbart Holdings, Inc., a California corporation. Breitbart Holdings, Inc. is a member of Breitbart.com, LLC, a California limited liability company.

3. In September of 2005, Breitbart Holdings, Inc. entered into a contract entitled the "Gen Ads Limited Liability Company Agreement." (the "LLC Agreement"). The other parties to the agreement are Cartmell Holdings, LLC and Hillstrom Equities, LLC. I am not individually a party to that contract.

4. In November of 2005, Breitbart.com LLC and Gen Ads LLC entered into a contract entitled the "Exclusive Advertising Services Agreement." (the "Advertising Agreement"). The Advertising Agreement provides that Gen Ads LLC shall be the exclusive advertising provider for the Breitbart.com website, for a certain period and subject to certain conditions. I am not individually a party to that contract.

5. The principals of Cartmell Holdings and Hillstrom Equities are Brian Cartmell and Brad Hillstrom, respectively. All of our in person discussions concerning the formation of Gen Ads took place in either California or Minnesota, never in Washington. Whenever I communicated by phone or email regarding Gen Ads, I generally did so from California, but never from Washington. I signed the LLC Agreement on behalf of Breitbart Holdings, Inc., in Los Angeles, California.

6. The principals who negotiated and discussed the Advertising Agreement were also Brian, Brad, and myself. All of our in person discussions concerning the Advertising Agreement took place in either California or Minnesota, never in Washington. Whenever I communicated by phone or email regarding this agreement, I generally did so from California, but never from Washington. I signed the agreement on behalf of Breitbart.com, LLC., in Los Angeles, California.

7. The Complaint alleges that Breitbart.com LLC breached the Gen Ads agreement by entering into a contract with the Reuters news feed to link to Reuters news stories. The Reuters/Breitbart contract was negotiated, executed, and performed in the State of California.

8. Breitbart.com and Breitbart Holdings, Inc. do not have any employees, offices, or infrastructure in Washington. The server for Breitbart.com is located in New York, and the computer setup which feeds the server is in Los Angeles.

9. Neither Breitbart Holdings, Inc., Breitbart.com LLC, or myself personally maintain (or have ever maintained) a bank account in the state of Washington.

10. I have a California driver's license. I do not have (and have never had) a Washington driver's license.

11. I own a home in California. I do not own (and have never owned) any property in Washington.

12. I pay state income taxes in California.

13. I was not married in Washington.

14. The only time I have been in the state of Washington was on a family vacation in 1979, for approximately one day, when I was ten years old.

15. I submit this declaration in support of this Motion to Dismiss. I do not and have not consented to the jurisdiction of the courts of the State of Washington, on behalf of myself or the "Breitbart marital community."

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I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct, and this declaration is executed in Los Angeles, California, on March 6, 2006.

Andrew Breitbart

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